

As Introduced

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H. B. No. 96

Representatives Pelanda, Bishoff

**Cosponsors: Representatives Brenner, Becker, Rogers, Hood, Schuring,
Blessing, Lepore-Hagan**

A BILL

To amend sections 4723.07 and 4723.48 and to enact
section 4723.489 of the Revised Code to
authorize a person not otherwise authorized to
do so to administer certain drugs pursuant to
delegation by an advanced practice registered
nurse who holds a certificate to prescribe.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4723.07 and 4723.48 be amended
and section 4723.489 of the Revised Code be enacted to read as
follows:

Sec. 4723.07. In accordance with Chapter 119. of the
Revised Code, the board of nursing shall adopt and may amend and
rescind rules that establish all of the following:

(A) Provisions for the board's government and control of
its actions and business affairs;

(B) Minimum standards for nursing education programs that
prepare graduates to be licensed under this chapter and
procedures for granting, renewing, and withdrawing approval of

those programs;	18
(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;	19 20
(D) Standards and procedures for renewal of the licenses and certificates issued by the board;	21 22
(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been approved by other state boards of nursing or by national accreditation systems for nursing, including, but not limited to, the American nurses' credentialing center and the national association for practical nurse education and service.	23 24 25 26 27 28 29 30 31 32
(F) Standards that persons must meet to be authorized by the board to approve continuing education programs and courses and a schedule by which that authorization expires and may be renewed;	33 34 35 36
(G) Requirements, including continuing education requirements, for reactivating inactive licenses or certificates, and for reinstating licenses or certificates that have lapsed;	37 38 39 40
(H) Conditions that may be imposed for reinstatement of a license or certificate following action taken under section 3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised Code resulting in a license or certificate suspension;	41 42 43 44
(I) Requirements for board approval of courses in medication administration by licensed practical nurses;	45 46

(J) Criteria for evaluating the qualifications of an applicant for a license to practice nursing as a registered nurse, a license to practice nursing as a licensed practical nurse, or a certificate of authority issued under division (B) of section 4723.41 of the Revised Code for the purpose of issuing the license or certificate by the board's endorsement of the applicant's authority to practice issued by the licensing agency of another state;

(K) Universal and standard precautions that shall be used by each licensee or certificate holder. The rules shall define and establish requirements for universal and standard precautions that include the following:

(1) Appropriate use of hand washing;

(2) Disinfection and sterilization of equipment;

(3) Handling and disposal of needles and other sharp instruments;

(4) Wearing and disposal of gloves and other protective garments and devices.

(L) Standards and procedures for approving certificates of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, and for renewal of those certificates;

(M) Quality assurance standards for certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners;

(N) Additional criteria for the standard care arrangement required by section 4723.431 of the Revised Code entered into by

a clinical nurse specialist, certified nurse-midwife, or 75
certified nurse practitioner and the nurse's collaborating 76
physician or podiatrist; 77

(O) Continuing education standards for clinical nurse 78
specialists who were issued a certificate of authority to 79
practice as a clinical nurse specialist under division (C) of 80
section 4723.41 of the Revised Code as that division existed at 81
any time before ~~the effective date of this amendment~~ March 20, 82
2013; 83

(P) For purposes of division (B)(31) of section 4723.28 of 84
the Revised Code, the actions, omissions, or other circumstances 85
that constitute failure to establish and maintain professional 86
boundaries with a patient; 87

(Q) Standards and procedures for delegation of the 88
authority to administer drugs under division (C) of section 89
4723.48 of the Revised Code. 90

The board may adopt other rules necessary to carry out the 91
provisions of this chapter. The rules shall be adopted in 92
accordance with Chapter 119. of the Revised Code. 93

Sec. 4723.48. (A) A clinical nurse specialist, certified 94
nurse-midwife, or certified nurse practitioner seeking authority 95
to prescribe drugs and therapeutic devices shall file with the 96
board of nursing a written application for a certificate to 97
prescribe. The board of nursing shall issue a certificate to 98
prescribe to each applicant who meets the requirements specified 99
in section 4723.482 or 4723.485 of the Revised Code. 100

Except as provided in division (B) of this section, the 101
initial certificate to prescribe that the board issues to an 102
applicant shall be issued as an externship certificate. Under an 103

externship certificate, the nurse may obtain experience in 104
prescribing drugs and therapeutic devices by participating in an 105
externship that evaluates the nurse's competence, knowledge, and 106
skill in pharmacokinetic principles and their clinical 107
application to the specialty being practiced. During the 108
externship, the nurse may prescribe drugs and therapeutic 109
devices only when one or more physicians are providing 110
supervision in accordance with rules adopted under section 111
4723.50 of the Revised Code. 112

After completing the externship, the holder of an 113
externship certificate may apply for a new certificate to 114
prescribe. On receipt of the new certificate, the nurse may 115
prescribe drugs and therapeutic devices in collaboration with 116
one or more physicians or podiatrists. 117

(B) In the case of an applicant who meets the requirements 118
of division (C) of section 4723.482 of the Revised Code, the 119
initial certificate to prescribe that the board issues to the 120
applicant under this section shall not be an externship 121
certificate. The applicant shall be issued a certificate to 122
prescribe that permits the recipient to prescribe drugs and 123
therapeutic devices in collaboration with one or more physicians 124
or podiatrists. 125

(C) (1) The holder of a certificate issued under this 126
section may delegate to a person not otherwise authorized to 127
administer drugs the authority to administer a drug, other than 128
a controlled substance, listed in the formulary established 129
under division (B) (1) of section 4723.50 of the Revised Code to 130
a specified patient. The delegation shall be in accordance with 131
division (C) (2) of this section and standards and procedures 132
established in rules adopted under division (Q) of section 133

4723.07 of the Revised Code. 134

(2) Prior to delegating authority, the certificate holder 135
shall do both of the following: 136

(a) Assess the patient and determine that the drug is 137
appropriate for the patient; 138

(b) Determine that the person to whom the authority will 139
be delegated has met the conditions specified in division (D) of 140
section 4723.489 of the Revised Code. 141

Sec. 4723.489. A person not otherwise authorized to 142
administer drugs may administer a drug to a specified patient if 143
all of the following conditions are met: 144

(A) The authority to administer the drug is delegated to 145
the person by an advanced practice registered nurse who is a 146
clinical nurse specialist, certified nurse-midwife, or certified 147
nurse practitioner and holds a certificate to prescribe issued 148
under section 4723.48 of the Revised Code. 149

(B) The drug is listed in the formulary established under 150
division (B) of section 4723.50 of the Revised Code but is not a 151
controlled substance and is not to be administered 152
intravenously. 153

(C) The drug is to be administered at a location other 154
than a hospital inpatient care unit, as defined in section 155
3727.50 of the Revised Code; a hospital emergency department or 156
a freestanding emergency department; or an ambulatory surgical 157
facility, as defined in section 3702.30 of the Revised Code. 158

(D) The person has successfully completed education based 159
on a recognized body of knowledge concerning drug administration 160
and demonstrates to the person's employer the knowledge, skills, 161

and ability to administer the drug safely. 162

(E) The person's employer has given the advanced practice
registered nurse access to documentation, in written or
electronic form, showing that the person has met the conditions
specified in division (D) of this section. 163
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(F) The advanced practice registered nurse is physically
present at the location where the drug is administered. 167
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Section 2. That existing sections 4723.07 and 4723.48 of 169
the Revised Code are hereby repealed. 170

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